



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	COUNCIL ON REAL ESTATE APPRAISERS
MEETING DATE AND TIME:	Tuesday, September 21, 2010 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
MINUTES APPROVED:	October 19, 2010

Members Present

Brad Levering, Chair, Professional Member
Gary V. Parker, Vice Chair, Professional Member
Stephen Huston, Professional Member
Ronald Mandato, Professional Member
Frank Long, Public Member
William Diveley, Professional Member
Frank Smith, Public Member
Yvonne Rickards, Public Banking Member

Division Staff/Deputy Attorney General

Patricia Davis-Oliva, Deputy Attorney General
Nicole Williams, Administrative Specialist II

Members Absent

Linda Carter, Public Member

Others Present

Patrick Josephs
Julie LaBadia, Court Reporter

Call to Order

Mr. Levering called the meeting to order at 9:35 a.m. Mr. Levering introduced the two new public members, Frank Smith and Yvonne Rickards, to the Council. Ms. Rickards is the banking public member to the Council. Mr. Parker requested the new members provide a brief background. Ms. Rickards and Mr. Smith briefly advised the Council of their background history.

The Council welcomed them both as new public members to the Council on Real Estate Appraisers.

Review and Approval of Minutes

The Council reviewed the August minutes. Mr. Parker made a motion, seconded by Mr. Huston to approve the minutes from August as submitted. Motion carried unanimously. The Council moved to section 5.1 on the agenda.

Proposal to Deny Hearing

The hearing for Mr. Josephs went on record at 10:10 a.m.

Ms. Davis-Oliva advised that there is a proposal to deny hearing before the Council regarding the application by reciprocity for Mr. Patrick A. Josephs in which the Council determined at the August 10th meeting that Mr. Josephs did not qualify for licensure pursuant to ... Ms. Davis-Oliva entered Board Exhibit 1 and Board Exhibit 2 for the record. Ms. Davis-Oliva advised Mr. Josephs that he has the right to be represented by an attorney as Mr. Josephs has waived his right to be represented by an attorney. Mr. Josephs was sworn in and provided testimony. Mr. Josephs made a point to advise the Council that Ms. Williams made it easy to communicate with the Council to request a hearing and commended her for her work ethic in assisting him.

The Council discussed with Mr. Josephs. There were no further questions for Mr. Josephs. Mr. Josephs made his closing remarks to the Council. Ms. Davis-Oliva marked Mr. Josephs handouts as Applicant Collective Exhibits 1 for the record.

The Council went off the record for deliberations at 10:47 a.m.

The Council went back on the record at 10:49 a.m. Mr. Huston made a motion to grant Mr. Josephs a license for Certified General Real Property by reciprocity immediately without any further obstruction, seconded by Mr. Parker. Motion carried unanimously.

Unfinished Business

Assessor Regulations Draft Language for Review

Mr. Huston advised the Council of the Subcommittee meeting in September in which they are seeking to adopt Pennsylvania's regulations with regards to assessors and requested that Ms. Davis-Oliva draft the language to conform to Delaware statute and regulations. Ms. Davis-Oliva provided the Council with a copy of the draft language. The Council reviewed the draft submitted and discussed. Ms. Davis-Oliva advised the Council that the current statute mandates the Council to develop assessor regulations therefore the Council shall move forward. Ms. Davis-Oliva advised the Council to read through the draft in its entirety as there may be some sections of the draft regulations that may need to be stricken as it may have exceeded the statutory scope. Once the Council reviews the draft language and approves, the draft language will be submitted to the two other authorities as stated in the statute. Ms. Williams will place this matter back on the October agenda for the Council's comments. The Council moved back to other business before the Council.

Next Subcommittee Meeting Date - TBD

The subcommittee members advised that they will determine a date and notify Ms. Williams for public notice with a tentative date before the September full Council meeting.

Status of Complaints

There were no updates on complaints to report to the Council.

New Business

New Complaints

There were no new complaints to be assigned to the Council.

Ratification of Issued Continuing Education Activities

Mr. Mandato made a motion to approve all appraisal education activities as submitted on the agenda for section 5.2.1, seconded Mr. Diveley. Motion carried unanimously.

Ratification of Issued Licenses List

Ms. Williams advised the Council that the listed applicants below were in good standing and were issued their respective licenses. Mr. Parker made a motion to ratify the listing, seconded by Mr. Huston. Motion carried unanimously.

Donald Carter – PA, WV (Cert General)
Phillip Randazzo, Jr. – NJ (Cert Residential)
Elsie Grady – PA, NJ (Certified Residential)
Thomas McLaughlin – Certified Residential Upgrade
Michael Del Rossi – PA (Certified Residential)

Review of Temp Applications

Ms. Williams advised that the below permits were issued as the applicants licenses were in good standing on the National Registry. No further discussion by the Council.

Douglas Vanderhook – Multiple properties in New Castle, Kent, and Sussex Co.
Paul Kovach – Multiple properties in New Castle, Kent, and Sussex Co.
David Salinas – Sussex Co.
Bagus Priambodo – Sussex Co.
Sid Brady – Sussex Co.
Howard Kincer – New Castle Co.
Margaret Howe – New Castle Co.
Mark Wigler – New Castle Co.
Kelly Powell – New Castle Co.
David McArdle – New Castle Co.
Eric B. Lewis – New Castle and Kent Co.
Krystyna Gut – Kent Co.

Review of Temp Permit Application for Jordan Yuter in Kent County

Ms. Williams advised the Council that Mr. Yuter entered into a consent agreement in another state where he is currently licensed. Mr. Huston made a motion to propose to deny Mr. Yuter's application pursuant to 24 Del. C. §4008(a) (2), seconded by Mr. Parker. Motion carried unanimously.

Other Business before the Council (for discussion only)

Mr. Levering advised the Council that he would like the Council to begin thinking about working on the new AMC legislation next year and that he will be attending the AARO Fall Conference in October, which will discuss the new AMC law as well.

Mr. Levering advised the Council of the draft legislation regarding transaction value versus market value. Ms. Davis-Oliva advised the Council that she has the Assessor regulations draft for the Council to review and will have the legislation draft language for review at the October meeting. The draft legislation has to be submitted to the Division by mid November for introduction into the January legislative session.

Mr. Levering further advised that he would like the Council to look into drafting legislation that requires a new trainee applicant to take the three (3) hour DE law, rules, and regulations course as part of the 75 hours for initial trainee license. Mr. Mandato advised that the course would have to be in addition to the 75 hours as the 75 hours are pre-defined. Mr. Huston advised that the Council may need to look into other states as to whether they require trainee applicants or new initial license applicants to take a state rules and regulations course. The Council further discussed. Mr. Levering requested Mr. Diveley to research if other states, such as PA and NJ, require state rules and regulations education prior to initial licensure. The Council further discussed. Mr. Mandato advised that he agrees with Mr. Huston that this requirement for the trainee will cause undue hardship for licensure. Mr. Levering advised that he would just like for Mr. Diveley to look into other states requirements. There was no further discussion by the Council. The Council moved back to section 3.0 on the agenda for the proposal to deny hearing for Mr. Patrick A. Josephs.

After the hearing, the Council came back to Other Business.

Mr. Levering inquired about the Nickels case. Ms. Davis-Oliva advised the Council on an update to the proposal to deny for Mr. Nickels and there is nothing further that the Council needs to do at this point.

Mr. Huston advised Ms. Davis-Oliva about the CMA/BPO issue that arose at the Real Estate Seminar he attended in September this year and the comments he made regarding the Council's position.

Public Comment

There was no public comment.

Next Meeting

The next meeting is scheduled for October 19, 2010 at 9:30 a.m. in Conference Room B, second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Levering made a motion, seconded by Mr. Huston, to adjourn the meeting. With there being no further business before the Council the meeting adjourned at 11:07 a.m.

Respectfully submitted,



Nicole M. Williams
Administrative Specialist II